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**Item No:** 7.1

**Application:** 190699

**Applicant:** Mr Taylor

**Agent:** Mr Robert Pomery

**Proposal:** Erection of Business Park, comprising 3,009 sqm of B1(a) Offices in Three Two-Storey Blocks with associated Parking.

**Location:** Land rear of AGM House, 83A London Road, Copford, Colchester, CO6 1GT

**Ward:** Marks Tey and Layer

**Officer:** Benjy Firth

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it is a major application that has attracted material planning objections and the Officer recommendation constitutes a departure from adopted Local Plan policy.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are whether the economic benefits of this commercial scheme outweigh any material harm that can be identified resulting from the scheme.
- 2.2 The application is subsequently recommended for approval, subject to the signing of an appropriate legal agreement.

## **3.0 Site Description and Context**

- 3.1 The application site measures approximately 1.1 hectares and comprises of an area of undeveloped meadowland to the rear of an existing industrial site. The site is access from London Road and access is provided by the existing access the adjacent industrial site. The site is surrounded by open countryside to the south and east, residential properties to the west and existing industrial uses to the north. The access sits partially within the settlement boundary, whilst the remainder and majority of the site sits beyond it.
- 3.2 The application site forms part of the wider land ownership, which includes the two industrial buildings to its north. Said buildings host a collection of commercial activities that have historically evolved to the rear of the ribbon of residential development along the south side of London Road.

## **4.0 Description of the Proposal**

- 4.1 The application seeks permission for the erection of a business park at the site, comprising of three two-storey blocks, accommodating 3009sqm of B1(a) office space, with associated parking and landscaping.

## **5.0 Land Use Allocation**

- 5.1 With the exception of the access, which sits partially within the defined settlement, the site benefits from no designation or land use allocation within either the adopted or emerging local plans. The majority of the site is therefore open countryside.

## **6.0 Relevant Planning History**

- 6.1 Planning applications 120856 and 131471 each gave permission for the expansion of the existing industrial use at the site, including the construction of additional buildings resulting in just under 2500sqm of additional floorspace.

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
CE1 - Centres and Employment Classification and Hierarchy  
CE3 - Employment Zones  
UR2 - Built Design and Character  
TA1 - Accessibility and Changing Travel Behaviour  
ENV1 - Environment  
ENV2 - Rural Communities

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DP9 Employment Uses in the Countryside  
DP14 Historic Environment Assets  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage

7.4 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies in the emerging plan; and
- The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material

considerations assessed above in accordance with up-to-date planning policies and the NPPF.

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Sustainable Construction  
Sustainable Drainage Systems Design Guide  
Managing Archaeology in Development.

## 8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 The Council's Archaeological Officer made the following comments:

This proposal is located close to the line of an important Roman road defined in the Colchester Historic Environment Record (HER Monument no. MCC7518, Stane Street). Find spots close to this site include two Roman coins (HER Monument nos. MCC6700 and MCC6701). There is there high potential for encountering archaeological remains at this location. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any below-ground heritage assets (i.e. archaeological deposits) that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.3 The Council's Landscape Officer made the following comments:

Regarding the landscape content/aspect of the strategic proposals lodged on 23/03/19:

To accord with the Council's [Landscape strategy for development sites](#) the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under Landscape Guidance Note LIS/A (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link); and where applicable amended accordingly to fully accord with them. In particular it is recommended the clause(s) of LIS/A noted in the Appendix to this document be cross-checked against the current submission.

The site lies just outside and abutting the settlement boundary of Copford south of London Road, set within the wedge of rural landscape between the settlement's edge and Hall Road. The site is fairly level and broadly rectangular in shape, it measures just under 1 hectare and has no buildings on it. It is surfaced with areas of unmanaged open scrub to all but the western third which is laid out and managed as a loose stone surfaced overflow car park. The enclosure to the southern and western boundaries of the site comprise low/medium height bunding covered in a band of scrub, remnant hedging and small/medium size trees. The rural landscape beyond this enclosure is under agricultural management (grade 2 agricultural land). The northern boundary of the site is enclosed by existing commercial development units and an associated access road, the western boundary lies alongside existing residential development. PRoW 128\_2 traverses north south across the adjacent field 160m to the east of the site.

In support and addition to this/these LIS/A clause(s) and accordance with policy/policies detailed in 3.1 below, the following point(s) should be taken into consideration as part of any revised proposals:

- The site lies outside the settlement boundary and is therefore subject to Core Policy ENV1. ENV1 requires that *'unallocated green-field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough'*.
- The site lies within Colchester Borough Landscape Character Assessment Area B2a (CBLCA B2a), this describes the character of the landscape in detail and identifies key characteristic(s) of the Area shared by the site as *'Linear settlement corridor extending from the western edge of Colchester Urban Area, including the western edges of Stanway, Copford village and Marks Tey in the west'*. It goes on to identify planning issue(s) as *'Potential pressure for further expansion of and improvements to the linear communications and settlement corridor (sub character area B2a) into the surrounding farmland plateau landscape'* and sets landscape strategy objective(s) to *'conserve and enhance'* the landscape character of the Area. Finally, it gives landscape planning guideline(s) to *'Conserve the mostly rural character of the area'*, *'Ensure that any appropriate new development responds to historic and pattern and uses materials, which are appropriate to landscape character (refer to the Essex Design Guide for Residential and Mixed-Use Areas, Essex Planning Officer Association, 1997, for further information). Such development should be well integrated into the landscape'*, and *'Ensure that any development on the edges of Marks Tey and Copford responds to traditional settlement patterns and uses design and materials, which are appropriate to local landscape character'*.
- Given the proposed developments potential adverse landscape and visual impact, through the introduction of an urban development into a rural landscape fairly typical of CBLCA B2a, that may be visually intrusive and contrary to the landscape character of the Area, it is recommended a Landscape Appraisal be submitted. This to evidence

how the proposals meet the requirements of CBLCA B2a, to guide design proposals to ensure the development sits comfortably within the landscape and to identify any landscape proposals required as mitigation. Any such Appraisal should fully comply with part 9 of LIS/A.

- In the absence of any Landscape Appraisal it should be noted that the development would appear to potentially fail to comply with core Policy ENV1 as detailed above as:
  - It would expand the '*settlement corridor (sub character area B2a) into the surrounding farmland plateau landscape*', both physically, being outside the settlement boundary, and visually as it would appear to be potentially visible from PRow 128\_2 and Hall Road.
  - The proposed development fails to use '*design and materials, which are appropriate to local landscape character*'.

In conclusion, taking into account all relevant considerations and for the reasons set out above, this application cannot currently be supported on landscape grounds. In order to fully consider the proposals, the above point(s) will need to be satisfactorily addressed.

#### 8.4 The Council's Planning Policy Team made the following comments:

The current proposal follows two unimplemented proposals for industrial development on the site. The first application (120856) involved the part-demolition of an existing industrial building, while the subsequent application (131471) entailed its total demolition and a larger new building. Planning policy concluded that the original proposal satisfied the criteria for an 'exceptional case' justifying the approval of new rural employment buildings in accordance with adopted policy DP9 (Employment Uses in the Countryside), and considered that the second proposal did not raise any further considerations to change that view. The wording of DP9 has been carried forward to the new policy DM6 in the emerging Local Plan.

The current proposal differs from the previous ones in that it now includes a majority of development for new offices, whereas the previous proposals were to accommodate expansion of the existing businesses on site for industrial development. The applicants have addressed the need to provide justification for the speculative element of the proposal by submitting a report from Fenn Wright. The Planning Statement notes "the report emphasises the impact of Permitted Development Rights to convert Office Space to Residential use on the local office stock. Much of the available office accommodation is older stock in unpopular locations. These changes in the use of the office space has driven greater demand."

The adopted Local Plan favours location of offices in Town Centres, but does accept an element of offices in Employment Zones. The emerging Local Plan is less specific about the location of office uses, which reflects the NPPF emphasis on the provision of flexible work spaces to support economic growth in paragraphs 80 and 81.

On the basis that the principle of development was accepted on the site for previous proposals and that the current proposal can also meet the criteria

of DP9/DM6 no planning policy objections are raised to the principle of development for B1 office development, notwithstanding other design and access considerations which affect the planning balance.

#### 8.5 The Council's Heritage Officer made the following comments:

The application site is not situated within a Conservation Area. There is number of listed buildings in the vicinity : the most closely located is Windmill Hotel (List UID 1239075), about 150m to the NW, while Brewers Cottage (1239137) , Old Mill House (1273846) and Shrub House (1239076) are situated at further distance , at about 500m to the NE. Existing development already separates Windmill Hotel and the application, so it can hardly be argued that the proposed scheme will visually affect its immediate setting. As for the other three heritage assets, they are located at considerable distance to be directly affected by the proposed development.

At the same time, no structures pre-dating 1900 have been identified within or at close distance to the site through map regression. The wider area and the site were developed in the 20<sup>th</sup> c. so apparently there are no buildings that could be of historic interest as non-designated heritage assets.

Therefore, since the application site does not appear to have any heritage interest and the proposals will not affect directly any heritage assets and their setting, no further comments can be offered on heritage grounds.

#### 8.6 The Council's Urban Design Officer made the following comments:

I object to the application for the following reasons and particularly as many of the points undermine the applications need to provide an exceptional case for overcoming the lack of local plan allocation support:

- The location is neither allocated or sustainably located - not attached to a retail and service centre (e.g. town and neighbourhood) and is generally reliant on car access as demonstrated by the extent of surface car parking;
- The immediate and wider area already suffers from traffic related issues;
- Loss of (/ potentially) valued greenfield land;
- Car parking needed to access the location results in a low density inefficient use of land, i.e. sprawl;
- The availability of more sustainably located sites for such use including those which are allocated specifically for employment use;
- The insular, inward-looking and presumably gated nature of proposals which would not positively integrate with and contribute to village life, e.g. (i) a cul-de-sac accessed via a 225m long drive through an employment site, (ii) not future proofing potential links to the West, East and South in case further growth occurs, and (iii) there being no sense of public realm and active frontage onto public realm contributing to village place-making – the site is instead dominated by car parking throughout; and
- Building design proposals have some good elements such as crisp contemporary (New London/Cambridge Vernacular) architecture using

brick, brick detailing, feature entrances and full height windows (albeit good materials and details as implied lack clarity and therefore would need to be carefully conditioned). More generally, the repeated approach, lack of rear interest and lack of roof line modelling means the overall impression would appear a bit monolithic and bland.

8.7 The Council's Contaminated Land Officer made the following comments:

Re: Richard Jackson, 'Phase One Desk Study Report, London Rd, Copford, Ref 44179', Final, Dated 15/4/19

This report is acceptable for Environmental Protection's purposes. I note that some potential sources of contamination have been identified, both on and off site, and an intrusive investigation has been recommended to better assess the risks noted in the initial conceptual site model. However, based on the information provided, it would appear that this site could be made suitable for the proposed use, with the remaining contamination matters dealt with by way of planning condition.

8.8 The Council's Environmental Protection Team requested the following conditions be applied to any approval:

- Construction Method Statement
- Limits to Hours of Work
- Restriction of Hours of Operation
- Restricted Hours of Delivery
- Site Boundary Noise Levels (for external plant, equipment, machinery)
- Light Pollution for Minor Development

The following recommendations were also made:

We recommend fast electric vehicle charging points shall be provided at a rate of 10% of the total parking provision.

We recommend that a 2m high close-boarded fence is erected along any boundary with residential premises, including the access road.



8.9 The Essex SUDS Team made the following comments:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to recommended conditions.

8.10 The Highway Authority made the following comments:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to appropriate mitigation and conditions.

8.11 The North East Essex Badger Group made the following comments:

Having scanned the Application and in particular the Ecology Report, we can confirm that there are badger setts quite locally placed to the location area, and badgers do forage occasionally on that land. Should this Application be approved, we would ask that, in the first instance, care should be taken when clearing the whole of the area before building work commences and secondly, would suggest that once work begins, any open excavations are covered at night to avoid badgers falling in and becoming trapped.

8.12 Anglian Water, NHS North East Essex CCG and Natural England have also been consulted and raised no objections to the proposal.

## **9.0 Parish Council Response**

9.1 The Parish Council have stated that

Members have discussed this application in detail and with the applicant. Council's main concerns are:

1) A significant increase in parking congestion and traffic along London Road both during the construction phase and after completion. Has the applications transport assessment fully considered providing adequate off road amenities to ensure local roads and residents aren't negatively impacted by this development?

2) Heavy plant and machinery use during the construction period adding to the weight of traffic and congestion issues already occurring. Has the application allowed for on-site parking facilities for the duration of the construction period?

3) Adequate drainage for both surface and foul water from the site. Given the local sewage plant is already over capacity what is being proposed to ensure there is no further strain out on this facility and with the expanse of the proposed plan how will surface water run off and properly drain?

Members wish to ensure Planners have taken into consideration all aspects of short term and long term disruption to residents living close by to this

application site and balanced it out against the need for a large scale commercial development of this type in a residential area.

## **10.0 Representations from Notified Parties**

10.1 The application resulted in number of letters of objection. The full text of all the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:

- Increased traffic generation
- Highway safety
- Poor access arrangements
- Unsuitable location
- No demand for offices
- Lack of parking
- Proposal not policy compliant
- Not in keeping with the area
- Proposal not comprehensive
- Detriment to residential amenity
- Increased pollution
- Impact on wildlife
- Intrusion into the countryside
- Scale of development
- Light pollution

## **11.0 Parking Provision**

11.1 The proposal includes the provision of 137 standard parking spaces, 16 parking spaces with electrical charging facilities, 6 disabled spaces, 6 spaces for powered two-wheelers and bike parking that can accommodate 40 bicycles. In addition, 19 spaces are proposed in relation to the existing industrial use on the adjacent site.

11.2 This provision exceeds maximum standards required by the adopted parking standards by over 50 car parking spaces. However, the proposal falls short of minimum adopted standards in regard of cycle parking (5 spaces short), powered two-wheeler parking (1 space short) and disabled parking (3 spaces short).

11.3 The majority of the proposed spaces meet the minimum dimensions and layout requirements set out within the adopted parking standard.

## **12.0 Accessibility**

12.1 The proposed ground floor offices are relatively accessible and could accommodate adaptation to increase their accessibility were this to be required by future users.

### **13.0 Open Space Provisions**

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

### **14.0 Air Quality**

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

### **15.0 Planning Obligations**

15.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be:

- Alterations to existing bus stops in proximity to the site, which will be secured by appropriate conditions attached to any approval.
- A contribution towards the display, promotion and management of any archaeological discoveries found as a result of the proposal, which would be secured by and appropriate legal agreement.

### **16.0 Report**

#### The Principle of Development

16.1 The most relevant adopted Local Plan policy is DP9: Employment Uses in the Countryside, which states:

*“Employment development proposals within the countryside, outside of designated local employment zones, must contribute to the local rural economy and help sustain rural communities. The proposed use should be of a small scale that does not harm the rural character of the area either by the nature and level of activity (including the amount of additional traffic generation on rural roads) or, any other detrimental effects such as noise and pollution.”*

The proposal would aid the growth of an existing locally based business and provide accommodation for new businesses at the site. In turn the proposal would facilitate employment and generate economic activity within the locality, thus contributing to the local economy. The site is bound by existing development on two sides and the proposal includes a significant landscape buffer on its boundaries. It is therefore considered that the proposal achieves an acceptable scale, that minimizes and mitigates any intrusion into the countryside. The proposed B1 office use is a relatively low-key use in terms of activity levels, noise and pollution.

16.2 Policy DP9 goes on to state that where new rural employment buildings are proposed they *“will only be supported in exceptional cases where there are no appropriate existing buildings and the need has been adequately demonstrated”*. Additionally, stating that where the expansion of an existing business in to the countryside is proposed they *“will only be supported in exceptional cases where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site”*.

Whilst it is proposed that some of the proposed office space will be utilised as part of the existing use of the adjacent site, it has not been demonstrated that the expansion is essential for its operation. However, it is considered that controlling the tenure of the site would not be particularly appropriate in this instance. In light of this, the proposal should be considered as a stand-alone development and is required to evidence that there is a need for the development proposed and there are no appropriate existing buildings. Within this application this justification is provided by way of a report from Fenn Wrights. The report identifies that there is demand for office premises locally, particularly in light of recent national policy allowing the change of use of offices under permitted development rights. The adequacy of this justification is a matter of judgement. However, it is considered that the flexibility of unit size that the proposal can accommodate would allow the proposed development to fulfill a variety of demands.

16.3 Lastly, policy DP9 states that *“consideration must be given to the relocation of the business to available land within strategic or local employment zones”*. Given the size of the existing operation at adjacent site it is unlikely it could be accommodated within an existing employment zone. The loss of the existing use on the site would also result in a loss of economic activity in the locality and potentially the site falling redundant.

16.4 Within the emerging Local Plan the most relevant policy is DM6: Economic Development in Rural Areas and the Countryside. This is consistent in its content with adopted Local Plan policy DP9, with the exception that it states *“any new development will be expected to have adequate landscape mitigation to compensate for any additional impact upon the surrounding countryside”*. This will be discussed further as part of landscape considerations, however it is considered that the proposal complies with this requirement.

16.5 The National Planning Policy Framework (NPPF) is broadly supportive of economic development, stating at paragraph 80 that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

Further adding at paragraph 83 that *“planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”*.

Lastly, at paragraph 84 stating that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*”.

- 16.6 The sites location is considered relatively sustainable, on a main arterial road that accommodates a regular bus service, and with good links to the A12 and Marks Tey Train station.
- 16.7 It is considered that the proposed development is broadly compliant with the NPPF, particularly considering its reference to sites that are adjacent to settlement boundaries and are physically well-related.
- 16.8 In summary, the proposal is compliant with elements of adopted and emerging Local Plan policy, though a judgement is required as to the adequacy of the evidential justification provided with the application. In this vein, it is acknowledged that a reasonable justification of need has been proved, however brief. In light of this, the fact that the proposal is broadly in line with nationally policy and the fact that the notion of developing the land for commercial purposes has already been established as acceptable via historic permissions, it is considered that on balance the proposed development is acceptable in principle.

### Design

- 16.9 The proposal includes three buildings that accommodate the propose floorspace, each of which are similar in appearance and proportions. The buildings measure approximately 7m in height and adopt a crisp contemporary architectural approach including a flat roof. They are proposed to be constructed of brick, with brick detailing, feature entrances and full height windows in places. As a result, the buildings appear well scaled and articulated. The fenestration and detailing proposed contribute to breaking down the visual mass of the buildings, whilst providing some visual interest and character.
- 16.10 The proposed site layout see’s the three proposed buildings located towards the centre of the site, surrounding a hard and soft landscaped parking courtyard. Further parking provision is accommodated surrounding the buildings, interspersed with landscaping and buffered to the sites boundaries by further landscaping. The allows the proposed structures to be accommodated within the site whilst minimizing and mitigating their impact on the wider landscape setting and neighbouring residential land uses.
- 16.11 The proposed layout could be considered overly parking dominated, however attempts to reduce the visual impact of parking through layout and landscaping. Likewise, the design of the buildings could be considered out

of keeping with their setting, however any impact of this would be minimized by a lack of public vantage points, particularly considering the proposed landscaping. On face value, the design and layout of the proposal are fit for purpose, allow for appropriate mitigation of the proposals impacts and result in minimal harm, if any, to public amenity. As a result, the proposed design and layout are considered acceptable on balance.

#### Residential Amenity

- 16.12 The proposed buildings sit approximately 30m from the residential properties to the west of the application site. As a result, it is not considered they will cause any significant detrimental impact in terms of loss of light, outlook or privacy. Views of the proposed buildings from said residences will be filtered by the proposed landscaping. Additionally, both parking and the B1 office use are considered to be low impact in terms of noise generation, which will again be buffered by the landscaping.
- 16.13 The only other direct impact the proposal may have on residential amenity would be through the increased usage of the access road. However, as part of the proposal this will also see improvements, including landscaping. The proposed development is therefore considered acceptable in terms of its impact on existing residential amenity.

#### Highway Matters

- 16.14 A Transport Assessment was submitted as part of this application and identifies that the proposal would attract an insignificant level of traffic at peak hours. The report evidences that both the site and the wider Highway Network are capable of accommodating the increased traffic potentially generated by the proposed development.
- 16.15 The Highways Authority are satisfied with the content of the proposal subject to appropriate conditions, which are included within the relevant schedule and include improvement works to bus stops within proximity of the site.
- 16.16 Comments made within consultation responses regarding existing traffic levels and on street parking are noted. However, these are existing issues with the wider Highways network, which it would not be appropriate to attempt to address via this application.
- 16.17 It is therefore considered that the proposed development would not result in an unacceptable impact on highway safety or in severe residual cumulative impacts on the road network, and is thus acceptable in this regard.

### Flooding & Drainage

- 16.18 An appropriate Flood Risk Assessment was submitted as part of the application, which outlines the proposed drainage methods and evidences that the site is at a low risk of flooding.
- 16.19 Anglian Water have made no objection to the proposal and have stated that they would take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. Likewise, the Local Lead Flood Authority have raised no objection to the proposal, subject to conditions which are included within the relevant schedule. The proposal is thus considered acceptable in this regard.

### Trees and Landscaping

- 16.20 The application does not include a detailed landscaping plan or an appropriate tree report. The submitted plans are also vague regard to both existing and proposed features. On this basis, the absence of any comments of support from the Council's Arboricultural Planner or Landscape Officer are justified.
- 16.21 The Landscape Officer raises the issue that the application does not include any form of landscape appraisal or visual impact assessment. However, these assessments were submitted as part of the previous applications at the site and the subsequent approvals evidence the acceptability of this element of the proposed development. As a result, it is not considered that the lack of this assessment within the current application would in itself warrant refusal of the application, particularly considering the weight of historical evidence suggesting the impacts would be acceptable. On this basis, it is not considered that the proposal would significantly compromise the surrounding landscape or affect the visual amenities of local residents and the landscape element of this application is considered acceptable subject to appropriate conditions requiring a detailed landscaping scheme.
- 16.22 Likewise, the historic applications at the site suggest that arboricultural matters at the site are likely to be acceptable and as such up to date and detailed specifications will be acquired by appropriate conditions attached to any approval.

### Ecology

- 16.23 A Preliminary Ecological Appraisal and Reptile Survey were submitted as part of this application. The findings and recommendations outlined within the reports are considered acceptable given the current site circumstances. A condition requiring the development to be conducted in accordance with the recommendations made within these reports will be attached to any approval.

### Other Matters

16.24 The comments of the Council's Archaeological Officer and Contaminated Land Officer are noted and appropriate conditions are included within the schedule. It is noted that the Fire Service are also satisfied with the content of this proposal.

## **17.0 Conclusion**

17.1 To summarise, the notion of developing the site has previously been established as acceptable via historic permissions and the principle of the proposed development is largely acceptable based upon the general acceptance of the justification provided. In all other regards the proposal is considered acceptable and would not result in any significant harm, subject to the appropriate conditions.

17.2 In broader terms, the proposed development would facilitate additional economic activity, thus generating economic and social benefits for the area. Whilst it has also been demonstrated that the environmental impact of the proposed development would be relatively neutral and no other demonstrable harm has been identified. As such the proposal complies with the three strands of sustainable development and is therefore held to comply with the NPPF. As a result, it is considered the planning balance weighs in favour of the proposal.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

### **1. Time Limit for Full Permissions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

### **2. Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 6501-1111-P1, 6501-1113-P1, 6501-1211-P1, 6501-1212-P1, 6501-1311-P1, 6501-1312-P1, 6501-1313-P1 and 6501-1411-P1.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

### **3. Non Standard Condition - Materials To Be Agreed**



No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

#### **4. Non Standard Condition - Archaeology**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

#### **5. Non Standard Condition - Arboriculture**

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement. Reason: To adequately safeguard the continuity of amenity afforded by existing trees.

## **6. Non Standard Condition - Flood Risk & Drainage**

The development hereby approved shall be conducted in accordance with the submitted Flood Risk Assessment.

Reason: To minimise the potential for flooding within and in proximity to the site.

## **7. Non Standard Condition - SUDS**

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by suitably qualified person(s) or the Lead Local Flood Authority (ECC) the statutory consultee in relation to SuDS. The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the lpa. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Demonstrate that half drain times are less than 24 hours for all storage devices
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

## **8. Non Standard Condition - Drainage During Construction**

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

## **9. Non Standard Condition - Drainage Maintenance**

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water

drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

#### **10. Non Standard Condition - Drainage Maintenance Log**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

#### **11. Non Standard Condition - Car Parking**

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced, sealed and marked out. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

#### **12. Non Standard Condition - Bicycle Storage**

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management

#### **13. Non Standard Condition - Wheel Washing Facilities**

Prior to the commencement of the proposed development, details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority and that facility shall be maintained during the periods of construction.

Reason: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety, in the interests of highway safety.

#### **14. Non Standard Condition - Business Travel Plan**

Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Business Travel Plan and coordinator, including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Business Travel Plan shall include a commitment to provide a Travel Plan co-ordinator within the development site to give advice to the new occupiers of the development.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development.

#### **15. Non Standard Condition - Bus Stop Improvements**

Prior to the occupation of any of the proposed development the east bound bus stop currently outside number 60 and 62 London Road shall be relocated to outside number 72 London Road Copford and being provided with level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority and the west bound bus stop outside number 69 London Road Copford also being provided with level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

#### **16. Non Standard Condition - Ecology**

The development hereby approved shall be conducted in accordance with the submitted Preliminary Ecological Appraisal and Reptile Survey.

Reason: To ensure that any harm to ecological assets at the site is minimised.

#### **17. Non Standard Condition - Construction Method Statement**

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- measures to control the emission of dust and dirt during construction;
- measures to control noise and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

**18. Non Standard Condition - Limits to Hours of Work**

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

**19. Non Standard Condition - Restriction of Hours of Operation**

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:00-19:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No operation.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

**20. Non Standard Condition - Restricted Hours of Delivery**

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07:00-19:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No deliveries.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

**21. Non Standard Condition - Site Boundary Noise Levels (for external plant, equipment, machinery)**

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

## **22. Non Standard Condition - Light Pollution for Minor Development**

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone E22 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

## **23. Non Standard Condition - Contaminated Land Part 1 of 4 (Site Characterisation)**

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

## **24. Non Standard Condition - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **25. Non Standard Condition - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **26. Non Standard Condition - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 24, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 25.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **27. Non Standard Condition - Validation Certificate**

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 24.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **28. Landscape Management Plan**

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

## **29. Non Standard Condition - Landscaping**

No groundworks shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours.
- Means of enclosure.
- Car parking layouts.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.



## 19.1 Informatives

19.1 The following informatives are also recommended:

### 1. Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

### 2. Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### 3. Highway Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

### 4. Archaeology Informative

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk>